

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BARKAN WIRELESS IP HOLDINGS

L.P.,

Plaintiff,

V.

SPRINT CORPORATION, et al.

Defendants.

NO. 2:19-CV-336

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, the Plaintiff, Barkan Wireless IP Holdings L.P. (“Barkan”) and Defendant CommScope Technologies LLC (“CommScope”) have agreed to settle, adjust and compromise all claims in the above-captioned action. The parties, therefore, move this Court to dismiss the above-entitled cause and all claims by Barkan against CommScope, all Claims by Barkan against Sprint with respect to CommScope products, and all claims by CommScope against Barkan made therein with prejudice to the re-filing of same. For the avoidance of doubt, this dismissal does not cover any of Barkan’s claims of infringement against any Sprint products manufactured by Airspan, Inc. or Casa Systems, including but not limited to the “Airave 4”: “Magic Box Gold”; or “Sprint Pebble,” which

remain accused of infringement in the litigation, but does dismiss any and all claims that Barkan has against Sprint involving any product of CommScope or its Affiliates.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

A proposed Order accompanies this motion.

AGREED:

DATED: September 11, 2020

Respectfully submitted,

/s/ Max L. Tribble, Jr.

Max L. Tribble, Jr. – Lead Counsel
Texas State Bar No. 20213950
Justin Nelson
Texas State Bar No. 24034766
SUSMAN GODFREY, LLP
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
mtribble@susmangodfrey.com
jnelson@susmangodfrey.com

Matthew R. Berry
Washington State Bar No. 37364
Alexander W. Aiken
Washington State Bar No. 55988
SUSMAN GODFREY, LLP
1201 Third Ave., Suite 3800
Seattle, Washington 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
mberry@susmangodfrey.com
aaiken@susmangodfrey.com

William D. O'Connell
SUSMAN GODFREY, LLP

Respectfully submitted,

/s/ Douglas M. Kubehl (w/ permission)

Douglas M. Kubehl (LEAD ATTORNEY)
Texas State Bar No. 00796909
E-mail: doug.kubehl@bakerbotts.com
Jeffery Scott Becker
Texas State Bar No. 24069354
E-mail: jeff.becker@bakerbotts.com
Melissa Leyla Muenks
Texas State Bar No. 24097442
E-mail: melissa.muenks@bakerbotts.com
BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, Texas 75201
Telephone: (214) 953-6500
Facsimile: (214) 953-6503

Jennifer Librach Nall
Texas State Bar No. 24061613
E-mail: jennifer.nall@bakerbotts.com
Amara Onyedikachukwu Osisioma
Pro Hac Vice
Email: amara.osisioma@bakerbotts.com
Christopher James Ratway
Texas State Bar No. 24100978
E-mail: christopher.ratway@bakerbotts.com
BAKER BOTTS L.L.P.
98 San Jacinto Blvd #1500

1301 Avenue of the Americas, 32nd Fl.
New York, New York 10019-6023
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
boconnell@susmangodfrey.com

Michael F. Heim
Texas State Bar No. 09380923
Robert Allen Bullwinkel
Texas State Bar No. 24064327
Blaine Andrew Larson
Texas State Bar No. 24083360
HEIM, PAYNE & CHORUSH, LLP
Heritage Plaza
1111 Bagby Street
Suite 2100
Houston, TX 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021
blarson@hpdlp.com
mheim@hpcllp.com
abullwinkel@hpcllp.com

S. Calvin Capshaw
Texas State Bar No. 03783900
CAPSHAW DERIEUX LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: (903) 845-5770
ccapshaw@capshawlaw.com

T. John Ward, Jr.
Texas State Bar No. 00794818
Claire Abernathy Henry
Texas State Bar No. 24053063
WARD, SMITH & HILL, PLLC
PO Box 1231
Longview, Texas 75606
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
jw@wsfirm.com
claire@wsfirm.com

*Attorneys for Plaintiff Barkan Wireless IP
Holdings, L.P.*

Austin, TX 78701
Telephone: (512) 322-2500
Facsimile: (214) 953-6503

Eric Findlay
Texas State Bar No. 00789886
E-mail: EFindlay@FindlayCraft.com
Findlay Craft, P.C.
102 N. College Avenue, Suite 900
Tyler, Texas 75702
(903) 534-1100 M: (903) 312-2030

*Attorneys for Defendant CommScope
Technologies LLC*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this September 11, 2020 with a copy of this document via the Court's CM/ECF system.

/s/ Alexander W. Aiken